

MINUTES
CITY COUNCIL MEETING
July 10, 2018
3000 Bellemead Drive Daytona Beach Shores, FL 32118

Present: CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice, and Council Member Lorraine Geiger. *Staff: City Manager Michael Booker, City Clerk Cheri Schwab, City Attorney Lonnie Groot, Finance Director Kurt Swartzlander, Community Services Director Fred Hiatt, and Public Safety Director Stephan Dembinsky.*

1. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES: None.

2. APPROVAL OF THE MINUTES: June 26, 2018

While no official correction was made on page 2, CMBR Bryan felt it was a misunderstanding concerning which mediation meeting was being referenced between Mayor Jennings and himself.

CMBR GEIGER moved, seconded by CMBR LINDAUER to approve the minutes of June 26, 2018.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Council Member Lorraine Geiger, CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice.

3. CONSENT AGENDA:

- Approval for cost increase to Master Station Bypass Pump

CMBR LINDAUER moved, seconded by CMBR BRYAN to approve the consent agenda.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Council Member Lorraine Geiger, CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice.

4. REPORTS OF THE CITY ATTORNEY: None.

5. REPORTS OF THE CITY MANAGER: The City Manager thanked Finance Director Kurt Swartzlander and all the Department Heads for working together on the recent budget. He announced that the beach walkover ramp had to be closed at Tuscany Shores until further notice. Additional repairs are required and cannot be done until permission is granted by the

State and County. Public Safety Director Dembinsky introduced Assistant State Attorney Ryan Will who is running for Circuit Judge.

OLD BUSINESS: None.

NEW BUSINESS:

6. Resolution 2018-06 A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, SETTING THE PROPOSED MILLAGE RATES FOR THE CITY FOR FISCAL YEAR 2018-2019; PROVIDING AN EFFECTIVE DATE. First Reading and Public Hearing.

CMBR GEIGER moved, seconded by CMBR BRYAN to adopt Resolution 2018-06 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Council Member Lorraine Geiger, CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice.

7. Resolution relating to implementation of Section 2.04(c) of the *City Charter*
City Attorney Groot read the title of Resolution 2017-07 for the record.

CMBR Bryan read from a prepared statement that is attached to the minutes.

Mayor Jennings invited the audience members to speak.

Attorney Doug Daniels stated that he represented CMBR Bryan. He related that he had spoken with his fellow county councilmembers and they didn't believe that Bryan was there to represent the city. He presented a definition of malfeasance and neglect of duty advising that it was his opinion that Bryan's actions were just inappropriate behavior. The emails that were sent were unfortunate and that Bryan was upset at the time. Attorney Daniels believed that Bryan had done nothing wrong against Chapter 164 the Conflict Resolution Process. He asked the Council to look for other alternatives to express their displeasure.

Nancy Miller, Bill Phinney and Rosana Scaccia all spoke in support of CMBR Bryan. They felt that he had done nothing wrong and was just expressing his opinions.

CMBR Rice stated that she wanted to move forward with the investigative process as it was more than just the county issue. Since CMBR Bryan has attended three IEMO classes in the past, he should be aware of going out on his own without authority. CMBR Bryan responded that he had spent a lot of time and money the past week on this issue. He asked the council to stop the process. CMBR Lindauer informed CMBR Bryan that he should welcome the process to clear things up. City Attorney Groot reminded the council that the vote tonight would only find probable cause to initiate an investigation.

CMBR RICE moved, seconded by CMBR GEIGER to adopt Resolution 2018-07 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4, No =1).

Yes: Council Member Lorraine Geiger, CouncilMember Mel Lindauer, Mayor Harry Jennings, Vice Mayor Peggy Rice. **No:** CouncilMember Richard Bryan.

8. Discussion on plans for Senior Center

It was explained that the budget included \$500,000 for repairs and renovations. Some are structural, and some are cosmetic. CMBR Rice would like details on the renovations and program details. It was decided to include this item on the next agenda and ask Senior Center Director Roni Jackson to attend.

9. COUNCIL COMMENTS: CMBR Geiger reminded the audience of the upcoming Shriners parade on July 17th, and the Mayor is the Grand Marshal. It begins at 7:00 pm from Sunsplash Park to the Ocean Center. CMBR Bryan thanked everyone in the audience who came out to support him.

10. AUDIENCE REMARKS/PUBLIC COMMENTS: None.

11. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

12. ADJOURNMENT: The meeting ended at 7:38 pm.

**MAYOR
HARRY H. JENNINGS**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB